



EMPLOYMENT TRIBUNALS

Claimant: Mr D Lazar

Respondent: Get Set Hire

Heard at: London Central (by CVP)

On: 6 October 2022

Before: Employment Judge Le Grys

Appearances

For the Claimant: Did not attend

For the Respondent: Mr. J. Ellison (Tribunal Advocate)

JUDGMENT

The Claimant's claim that he was unfairly dismissed is dismissed under Rule 47 of the Employment Tribunals Rules of Procedure.

REASONS

1. The Claimant's claim was received by the Tribunal on 13 April 2022. By way of a letter dated 13 May 2022 the Tribunal sent to the Claimant a Notice of Hearing, which stated that the claim would be heard on 6 and 7 October, starting at 10am.
2. The Tribunal letter contained a number of directions, including that the Claimant must send to the Respondent any documents on which he relied, as well as copies of any witness statements. No later than five days before the hearing the parties were to confirm to the Tribunal that they were ready.
3. The Claimant has not complied with these directions, and the claim form was the last communication received by either the Tribunal or the Respondent. The Respondent attempted to contact the Claimant in respect of the directions but received no reply.
4. On 2 October 2022 the Respondent applied to the Tribunal for an Unless Order. The Claimant was copied into this application. While the application

does not appear to have been acted upon before the hearing, it provided a further notice to the Claimant of the date, and that the Respondent was seeking to have the claim dismissed.

5. The Claimant was sent joining instructions for the online hearing the afternoon before it was due to take place. These asked that he join by 09:40.
6. The Claimant had not attended by 10:00 on 6 October 2022. The clerk telephoned the number provided but there was no response and no facility to leave a message; the clerk reported that the number appeared to be one that was not in service. An email was also sent to the Claimant.
7. Time was given for the Claimant to join but he had not done so by 11:10, around 1½ hours after the joining instructions had asked him to do so. A further attempt by the clerk to make contact by telephone was unsuccessful.
8. Rule 47 of the Employment Tribunal Rules states that *“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”*
9. I am satisfied that the Claimant has had notice of today’s hearing and appears to be no longer pursuing the claim. There has been no contact from him since the submission of the original claim form, and he has not complied with the Tribunal directions. He was notified of the hearing date and time in a number of items of correspondence. While I make some allowance for the fact that the Claimant is self-representing, there has been no attempt in the nearly six months since the claim was lodged to enquire as to its progress, or to seek clarification of any of the directions. He has not attended this morning and, after the reasonable enquiries that have been made as to his non-attendance, no reason has been put forward for this.
10. I take into account the potential prejudice and costs to the Respondent in any further delay. The Respondent has complied with Tribunal Directions and is prepared for this hearing, including in the preparation of witness statements and a bundle, and their witnesses are in attendance.
11. In all the circumstances, and having taken into account the information which is available to me after such enquiries as are practicable, as well as considering the Overriding Objective, I dismiss the claim in accordance with Rule 47.

Employment Judge Le Gry

Date: 6 October 2022

Case Number: 2201887/2022

Judgment sent to the parties on
06/10/2022

For the Tribunal